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November 15, 2023

FILED VIA ECF

Honorable John G. Koeltl
United States Courthouse
500 Pearl Street
New York, N.Y. 10007

Re: **United States v. Aviram Azari**; Case No. 1:19-CR-00610-JGK

Dear Judge Koeltl:

I write in anticipation of Mr. Azari's sentencing proceedings scheduled for November 16, 2023 to respectfully ask the Court to find that his Guidelines should be reduced two levels from a total offense level 29, (87-108 months) to a level 27 (70 -87 months) under amended U.S.S.G. 4C1.1.

As the Court is aware, on April 5, 2023, the United States Sentencing Commission held a public meeting that resulted in a vote on a dozen changes to the Guidelines. Section 4C1.1 was amended to reduce by two levels the Guidelines for zero-point offenders like Mr. Azari who meet 10 criteria. Mr. Azari meets each of the 10 criteria, which include the following:

(1) the defendant did not receive any criminal history points from Chapter Four, Part A; (2) the defendant did not receive an adjustment under §3A1.4 (Terrorism); (3) the defendant did not use violence or credible threats of violence in connection with the offense; (4) the offense did not result in death or serious bodily injury; (5) the instant offense of conviction is not a sex offense; (6) the defendant did not personally cause substantial financial hardship; (7) the defendant did not possess, receive, purchase,

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transport, transfer, sell, or otherwise dispose of a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense; (8) the instant offense of conviction is not covered by §2H1.1 (Offenses Involving Individual Rights); (9) the defendant did not receive an adjustment under §3A1.1 (Hate Crime Motivation or Vulnerable Victim) or §3A1.5 (Serious Human Rights Offense); and (10) the defendant did not receive an adjustment under §3B1.1 (Aggravating Role) and was not engaged in a continuing criminal enterprise, as defined in 21 U.S.C. § 848.

Therefore, given that Mr. Azari meets the factors of 4C1.1, I respectfully ask the Court to find that his total offense level is 27, and that in a criminal history category I, his advisory Guidelines range is 70-87 months of incarceration.

The Government, by AUSA Juliana Murry, does not oppose this request.

I thank the Court for its consideration, and look forward to addressing Your Honor at Mr. Azari's sentencing proceedings tomorrow morning.

The Court's consideration is greatly appreciated.

Sincerely,



Barry S. Zone
Attorney for Aviram Azari

cc: AUSA Juliana Murry